

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

GLEN FANNIN,)	CASE NO. 1:06 CV 2120
)	
Petitioner,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	<u>ORDER OF TRANSFER</u>
DAVID BOBBY,)	
)	
Respondent.)	

On September 1, 2006, petitioner pro se Glen Fannin filed this action for habeas corpus under 28 U.S.C. § 2254. For the reasons stated below, this action must be transferred to the United States Court of Appeals for the Sixth Circuit.

A second or successive motion under section 2254 may not be filed without leave from the appropriate court of appeals. 28 U.S.C. § 2244(b)(3). This is at least the second petition filed by Fannin in this court challenging his June 22, 2001 drug related convictions in Cuyahoga Court of Common Pleas Case No. CR405055. A previous petition challenging these convictions was dismissed with prejudice on October 20, 2004. See Fannin v. Rose, N.D. Ohio Case No. 1:03 CV 1128.

Accordingly, pursuant to In re Sims, 111 F.3d 45 (6th Cir. 1997), this action is hereby transferred to the United States

Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 10/23/06